

AO 440 (Rev 10/93) Summons in a Civil Action - SDNY WEB 4/99

# United States District Court

Southern

DISTRICT OF

New York

CARLOS CORTES (AND WIFE, LUCY CORTES)

## SUMMONS IN A CIVIL CASE

v.

A RUSSO WRECKING, ET. AL.,

SEE ATTACHED RIDER,

CASE NUMBER: (AKH)

JUDGE HELLERSTEIN

TO: (Name and address of defendant)

SEE ATTACHED RIDER

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
115 Broadway, 12th Floor  
New York, New York 10006  
212-267-3700

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

*Constance Lapley*

(BY) DEPUTY CLERK

DATE

JUN 06 2008



AO 440 (Rev 10/93) Summons in a Civil Action - SDNY WEB 4/99

**RETURN OF SERVICE**Service of the Summons and Complaint was made by me<sup>1</sup>

DATE

NAME OF SERVER (PRINT)

TITLE

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure



**RIDER**

CARLOS CORTES AND LUCY CORTES,

PLAINTIFFS,

- AGAINST -

A RUSSO WRECKING, INC.; ABM INDUSTRIES, INC.; ABM JANITORIAL NORTHEAST, INC.; AMEC CONSTRUCTION MANAGEMENT, INC.; AMEC EARTH & ENVIRONMENTAL, INC.; ANTHONY CORTESE SPECIALIZED HAULING LLC.; ATLANTIC HEYDT CORP.; BECHTEL ASSOCIATES PROFESSIONAL CORPORATION; BECHTEL CONSTRUCTION, INC.; BECHTEL CORPORATION; BECHTEL ENVIRONMENTAL, INC.; BERKEL & COMPANY, CONTRACTORS, INC.; BIG APPLE WRECKING & CONSTRUCTION CORP.; BOVIS LEND LEASE LMB, INC.; BREEZE CARTING CORP.; BREEZE NATIONAL INC.; BRER-FOUR TRANSPORTATION CORP.; BURO HAPPOLD CONSULTING ENGINEERS, P.C.; C.B. CONTRACTING CORP.; CANRON CONSTRUCTION CORP.; CORD CONTRACTING CO., INC.; DAKOTA DEMO-TECH; DIAMOND POINT EXCAVATING CORP.; DIEGO CONSTRUCTION, INC.; DIVERSIFIED CARTING, INC.; DMT ENTERPRISE, INC. D'ONOFRIO GENERAL CONTRACTORS CORP.; EAGLE LEASING & INDUSTRIAL SUPPLY, INC.; EAGLE ONE ROOFING CONTRACTORS INC; EJ DAVIES, INC.; EN-TECH CORP.; EVANS ENVIRONMENTAL; EVERGREEN RECYCLING OF CORONA(EROC); EWELL W. FINLEY, P.C.; EXECUTIVE MEDICAL SERVICES, P.C.; FLEET TRUCKING, INC.; FRANCIS A. LEE EXTERIOR RESTORATION, INC.; FTI TRUCKING, INC.; GILSANZ, MURRAY, & STEFICEK, LLP, GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC.; HALLEN WELDING SERVICE, INC.; H.P. ENVIRONMENTAL; KOCH SKANSKA INC; LAQUILA CONSTRUCTION INC.; LASTRADA GENERAL CONTRACTING CORP.; LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS P.C.; LIBERTY MUTUAL GROUP; LOCKWOOD, KESSLER & BARTLETT, INC.; LUCIUS PITKIN, INC.; LZA TECH-DIV OF THORTON TOMASETTI; MANAFORT BROTHERS INCORPORATED; MAZZOCCHI WRECKING, INC.; HUDSON MERIDIAN CONSTRUCTION GROUP, LLC F/K/A MERIDIAN CONSTRUCTION CORP.; MORETRENCH AMERICAN CORP.; MRA ENGINEERING, PC; MUESER RUTLEDGE CONSULTING ENGINEERS, INC; NACIREMA INDUSTRIES INCORPORATED; NEW YORK CRANE & EQUIPMENT CORP.; NICHOLSON CONSTRUCTION COMPANY; PETER SCALA MANDRE & SONS, INC.; PHILLIPS AND JORDAN, INC.; PINNACLE ENVIRONMENTAL CORP.; PLAZA CONSTRUCTION CORP.; PRO SAFETY SERVICES LLC.; PT & L CONTRACTING CORP.; ROBER SILMAN ASSOCIATES; ROBERT L. GEROSA, INC.; RODAR ENTERPRISES, INC.; ROYAL GM, INC; SAB TRUCKING INC.; SAFEWAY ENVIRONMENTAL CORP.; SEASONS INDUSTRIAL CONTRACTING; SEMCOR EQUIPMENT & MANUFACTURING CORP.; SILVERITE CONTRACTING CORPORATION; SIMPSON GUMPertz & HEGER INC.; SKIDMORE, OWING & MERRILL LLP; SURVIVAIR; TAYLOR RECYCLING FACILITY LLC; TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN; TISHMAN CONSTRUCTION CORPORATION OF NEW YORK; TISHMAN INTERIORS CORPORATION; TISHMAN SPEYER PROPERTIES; THORTON-TOMASETTI GROUP, INC.; TORRETTA TRUCKING, INC.; TOTAL SAFETY CONSULTING, L.L.C.; TUCCI EQUIPMENT RENTAL CORP.; TULLY CONSTRUCTION CO., INC.; TURNER CONSTRUCTION COMPANY; ULTIMATE DEMOLITION/CS HAULING (JOINT VENTURE); VOLLMER ASSOCIATES LLP.; WEEKS MARINE, INC.; WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C.; WHITNEY CONTRACTING INC.; WOLKOW-BRAKER ROOFING CORP.; WORLD TRADE CENTER PROPERTIES LLC.; WSP CANTOR SEINUK; YANNUZZI & SONS, INC; YONKERS CONTRACTING COMPANY, INC.; YORK HUNTER CONSTRUCTION, LLC; ZIEGENFUSS DRILLING, INC.,

DEFENDANTS.

X



Defendants' Addresses:

A RUSSO WRECKING  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

ABM INDUSTRIES, INC.  
C/O JEFFERY SAMEL & PARTNERS  
150 BROADWAY 20<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10038

ABM JANITORIAL NORTHEAST, INC.  
C/O JEFFERY SAMEL & PARTNERS  
150 BROADWAY 20<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10038

AMEC CONSTRUCTION  
MANAGEMENT, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

AMEC EARTH & ENVIRONMENTAL,  
INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

ANTHONY CORTESE SPECIALIZED  
HAULING LLC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

ATLANTIC HEYDT CORP  
C/O FRENCH & RAFTER, LLP  
29 BROADWAY 27<sup>TH</sup> FLOOR  
NEW YORK, NY 10006

BECHTEL ASSOCIATES  
PROFESSIONAL CORPORATION  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

BECHTEL CONSTRUCTION, INC.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

BECHTEL CORPORATION  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

BECHTEL ENVIRONMENTAL, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

BERKEL & COMPANY,  
CONTRACTORS, INC.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

BIG APPLE WRECKING &  
CONSTRUCTION CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

BOVIS LEND LEASE LMB, INC.  
C/O Mound Cotton Wollan & Greengrass  
One Battery Park Plaza  
New York, NY 10004

EAGLE ONE ROOFING  
CONTRACTORS INC.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

EJ DAVIES, INC.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

EN-TECH CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

EVANS ENVIRONMENTAL  
South Florida Regional Office  
EE&G Corporate Headquarters  
14505 Commerce Way, Suite 400 Miami  
Lakes, FL 33016

EVANS ENVIRONMENTAL  
Buffalo Office  
401 Elmwood Avenue, Apt. 3  
Buffalo, NY 14222

EVERGREEN RECYCLING OF  
CORONA(EROC)  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

EWELL W. FINLEY, P.C.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

EXECUTIVE MEDICAL SERVICES,  
P.C.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

FLEET TRUCKING, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

FRANCIS A. LEE COMPANY, A  
CORPORATION  
35 Bethpage Road  
Hicksville, NY 11801

FTI TRUCKING  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

GILSANZ MURRAY STEFICEK, LLP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

GOLDSTEIN ASSOCIATES  
CONSULTING ENGINEERS, PLLC  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

HALLEN WELDING SERVICE, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

MRA ENGINEERING P.C.,  
600 Hempstead Turnpike  
West Hempstead, NY 11552-  
1036

MUESER RUTLEDGE  
CONSULTING ENGINEERS  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

NACIREMA INDUSTRIES  
INCORPORATED  
211 West 5<sup>th</sup> Street  
Bayonne, NJ 07002

NEW YORK CRANE &  
EQUIPMENT CORP.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

NICHOLSON  
CONSTRUCTION COMPANY  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

PETER SCALAMANDRE &  
SONS, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

PHILLIPS AND JORDAN,  
INC.  
6621 Wilbanks Road  
Knoxville, TN 37912

PINNACLE  
ENVIRONMENTAL CORP  
C/O Paul O'Brien  
64-54 Maurice Avenue  
Maspeth, NY 11378

PLAZA CONSTRUCTION  
CORP.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

PRO SAFETY SERVICES,  
LLC  
Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

PT & L CONTRACTING  
CORP  
1 Kalisa Way Ste 301  
Paramus, NJ 07652

ROBER SILMAN  
ASSOCIATES  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

ROBERT L GEROSA, INC  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

RODAR ENTERPRISES, INC

TISHMAN CONSTRUCTION  
CORPORATION OF MANHATTAN  
C/O Cozen O'Connor  
1 Newark Center, Suite 1900  
Newark, NJ 07102

TISHMAN CONSTRUCTION  
CORPORATION OF NEW YORK  
C/O Cozen O'Connor  
1 Newark Center, Suite 1900  
Newark, NJ 07102

TISHMAN INTERIORS  
CORPORATION  
C/O Daniel R. Tishman  
666 5th Avenue  
New York, NY 10103

TISHMAN SPEYER PROPERTIES  
C/O Daniel R. Tishman  
666 5th Avenue  
New York, NY 10103

THORTON-TOMASETTI GROUP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

TORRETTA TRUCKING, INC  
120 MOUNTAINVIEW AVENUE  
STATEN ISLAND, NY 10314

TOTAL SAFETY CONSULTING,  
LLC  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

TUCCI EQUIPMENT RENTAL  
CORP  
Daneen Gazzola  
3495 Rombouts Avenue  
Bronx, NY 10475

TULLY CONSTRUCTION CO.,  
INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

TURNER CONSTRUCTION  
COMPANY  
C/O London Fischer, LLP  
59 Maiden Lane  
New York, NY 10038

ULTIMATE DEMOLITIONS/CS  
HAULING  
500 New Street  
Oceanside, NY 11572

VOLLMER ASSOCIATES LLP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

WEEKS MARINE, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

WEIDLINGER ASSOCIATES,  
CONSULTING ENGINEERS, P.C.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor



BREEZE CARTING CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

BREEZE NATIONAL, INC.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

BRER-FOUR TRANSPORTATION  
CORP.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

BURO HAPPOLD CONSULTING  
ENGINEERS, P.C.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

C.B. CONTRACTING CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

CANRON CONSTRUCTION CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

CORD CONTRACTING CO., INC  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

D'ONOFRIO GENERAL  
CONTRACTORS CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

DAKOTA DEMO-TECH  
140 Old Northport Road  
Kings Park, NY 11754

DIAMOND POINT EXCAVATING  
CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

DIEGO CONSTRUCTION, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

DIVERSIFIED CARTING, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

DMT ENTERPRISE, INC.  
255 Lake Avenue  
Yonkers, NY 10701

EAGLE LEASING & INDUSTRIAL  
SUPPLY  
1726 FLATBUSH AVENUE  
BROOKLYN, NY 11210

HP ENVIRONMENTAL  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

KOCH SKANSKA INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

LAQUILA CONSTRUCTION INC  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

LASTRADA GENERAL  
CONTRACTING CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

LESLIE E. ROBERTSON  
ASSOCIATES CONSULTING  
ENGINEER P.C.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

LIBERTY MUTUAL GROUP  
C/O CT CORPORATION SYSTEM  
111 Eighth Avenue  
New York, NY 10011

LOCKWOOD KESSLER &  
BARTLETT, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

LUCIUS PITKIN, INC  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

LZA TECH-DIV OF THORTON  
TOMASETTI  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

MANAFORT BROTHERS, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

MAZZOCCHI WRECKING, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

HUDSON MERIDIAN  
CONSTRUCTION GROUP, LLC F/K/A  
MERIDIAN CONSTRUCTION CORP.  
40 Rector Street  
18<sup>th</sup> Floor  
New York, NY 10006

MORETRENCH AMERICAN  
CORPORATION  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

ROYAL GM INC.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

SAB TRUCKING INC.  
C/O SAVERIO ANASTASIO  
7 Pironi Court  
Woodbury, NY 11797

SAFEWAY  
ENVIRONMENTAL CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

SEASONS INDUSTRIAL  
CONTRACTING,  
266 GREEN VALLEY RD  
STATEN ISLAND, NY 10312

SEMCOR EQUIPMENT &  
MANUFACTURING CORP.  
18 Madison Street  
Keyport, NJ 07735

SILVERITE CONTRACTING  
CORPORATION  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

SIMPSON GUMPERTZ &  
HEGER INC  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

SKIDMORE OWINGS &  
MERRILL LLP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

SURVIVAIR  
3001 S SUSAN ST  
SANTA ANA, CA 92704

TAYLOR RECYCLING FACILITY  
L.L.C.  
TAYLOR BIOMASS ENERGY,  
LLC  
350 Neelytown Road  
Montgomery, New York 12549

Newark, NJ 07102

WHITNEY CONTRACTING INC.  
C/O Joanne Pisano, P.C.  
1250 Central Park Avenue  
Yonkers, NY 10704

WOLKOW-BRAKER ROOFING  
CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

WORLD TRADE CENTER  
PROPERTIES LLC  
C/O Edward Tanenhouse, Esq.  
7 World Trade Center 38th Floor  
New York, NY 10048

WSP CANTOR SEINUK GROUP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

YANNUZZI & SONS INC  
56 Oakwood Avenue  
Orange, NJ 07050

YONKERS CONTRACTING  
COMPANY, INC.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

YORK HUNTER CONSTRUCTION,  
LLC  
107 Old Goshen Road  
South Seaville, NJ 08246

ZIGENFUSS DRILLING, INC.,  
C/O CT CORPORATION SYSTEM  
111 Eighth Avenue  
New York, NY 10011





**JUDGE HELLERSTEIN**

08

5227

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION

CARLOS CORTES AND LUCY CORTES

Plaintiffs,

- against -

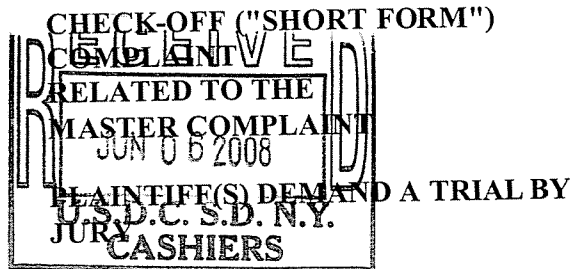
A RUSSO WRECKING, ET. AL.,

SEE ATTACHED RIDER,

Defendants.

21 MC 100 (AKH)

DOCKET NO.



By Order of the Honorable Alvin K. Hellerstein, United States District Judge, dated June 22, 2006, ("the Order"), Amended Master Complaints for all Plaintiffs were filed on August 18, 2006.

#### NOTICE OF ADOPTION

All headings and paragraphs in the Master Complaint are applicable to and are adopted by the instant Plaintiff(s) as if fully set forth herein in addition to those paragraphs specific to the individual Plaintiff(s), which are listed below. These are marked with an "[X]" if applicable to the instant Plaintiff(s), and specific case information is set forth, as needed, below.

Plaintiffs, CARLOS CORTES AND LUCY CORTES, by his/her/their attorneys WORBY GRONER EDELMAN & NAPOLI BERN, LLP, complaining of Defendant(s), respectfully allege:

### I. PARTIES

#### A. PLAINTIFF(S)

1. ☒ Plaintiff, CARLOS CORTES (hereinafter the "Injured Plaintiff"), is an individual and a citizen of Florida residing at 4554 Ross Lanier Lane, Kissimmee, FL 34758-.

(OR)

2. ☐ Alternatively, \_\_\_\_\_ is the \_\_\_\_\_ of Decedent \_\_\_\_\_, and brings this claim in his (her) capacity as of the Estate of \_\_\_\_\_.

*Please read this document carefully.*

*It is very important that you fill out each and every section of this document.*



3. ☒ Plaintiff, Lucy Cortes (hereinafter the "Derivative Plaintiff"), is a citizen of Florida residing at 4554 Ross Lanier Lane, Kissimmee, FL 34758-, and has the following relationship to the Injured Plaintiff:

- ☒ SPOUSE at all relevant times herein, is and has been lawfully married to Plaintiff CARLOS CORTES, and brings this derivative action for her (his) loss due to the injuries sustained by her husband (his wife), Plaintiff CARLOS CORTES.
- ☐ Parent ☐ Child ☐ Other: \_\_\_\_\_

4. In the period from \_\_\_\_\_ to \_\_\_\_\_ the Injured Plaintiff worked for New York Police Department (NYPD) as a Detective investigator at:

*Please be as specific as possible when filling in the following dates and locations*

☐ The World Trade Center Site

Location(s) (i.e., building, quadrant, etc.) \_\_\_\_\_

From on or about \_\_\_\_\_ until \_\_\_\_\_;  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total.

☐ The New York City Medical Examiner's Office

From on or about \_\_\_\_\_ until \_\_\_\_\_,  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total.

☒ The Fresh Kills Landfill

From on or about 9/11/2001 until To Be Supplied;  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total.

☐ The Barge

From on or about \_\_\_\_\_ until \_\_\_\_\_;  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total.

☐ **Other:\*** For injured plaintiffs who worked at Non-WTC Site building or location. The injured plaintiff worked at the address/location, for the dates alleged, for the hours per day, for the total days, and for the employer, as specified below:

From on or about \_\_\_\_\_ until \_\_\_\_\_;  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total;  
Name and Address of Non-WTC Site  
Building/Worksite:  
\_\_\_\_\_

\*Continue this information on a separate sheet of paper if necessary. If more space is needed to specify "Other" locations, please annex a separate sheet of paper with the information.

5. Injured Plaintiff

- ☒ Was exposed to and breathed noxious fumes on all dates, at the site(s) indicated above;
- ☒ Was exposed to and inhaled or ingested toxic substances and particulates on all dates at the site(s) indicated above;
- ☒ Was exposed to and absorbed or touched toxic or caustic substances on all dates at the site(s) indicated above;
- ☒ Other: Not yet determined.

*Please read this document carefully.*

*It is very important that you fill out each and every section of this document.*



6. Injured Plaintiff

- ☒ Has not made a claim to the Victim Compensation Fund. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund that was denied. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund, that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

*Please read this document carefully.*

*It is very important that you fill out each and every section of this document.*





**B. DEFENDANT(S)**

The following is a list of all Defendant(s) named in the Master Complaint. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

☐ THE CITY OF NEW YORK

- ☐ A Notice of Claim was timely filed and served on \_\_\_\_\_ and
- ☐ pursuant to General Municipal Law §50-h the CITY held a hearing on \_\_\_\_\_ (OR)
- ☐ The City has yet to hold a hearing as required by General Municipal Law §50-h
- ☐ More than thirty days have passed and the City has not adjusted the claim (OR)
- ☐ An Order to Show Cause application to deem Plaintiff's (Plaintiffs') Notice of Claim timely filed, or in the alternative to grant Plaintiff(s) leave to file a late Notice of Claim *Nunc Pro Tunc* (for leave to file a late Notice of Claim *Nunc Pro Tunc*) has been filed and a determination
- ☐ is pending
- ☐ Granting petition was made on \_\_\_\_\_
- ☐ Denying petition was made on \_\_\_\_\_

☐ PORT AUTHORITY OF NEW YORK AND NEW JERSEY ["PORT AUTHORITY"]

- ☐ A Notice of Claim was filed and served pursuant to Chapter 179, §7 of The Unconsolidated Laws of the State of New York on
- ☐ More than sixty days have elapsed since the Notice of Claim was filed, (and)
- ☐ the PORT AUTHORITY has adjusted this claim
- ☐ the PORT AUTHORITY has not adjusted this claim.

- ☐ 1 WORLD TRADE CENTER, LLC
- ☐ 1 WTC HOLDINGS, LLC
- ☐ 2 WORLD TRADE CENTER, LLC
- ☐ 2 WTC HOLDINGS, LLC
- ☐ 4 WORLD TRADE CENTER, LLC
- ☐ 4 WTC HOLDINGS, LLC
- ☐ 5 WORLD TRADE CENTER, LLC
- ☐ 5 WTC HOLDINGS, LLC
- ☐ 7 WORLD TRADE COMPANY, L.P.

- ☒ A RUSSO WRECKING
- ☒ ABM INDUSTRIES, INC.
- ☒ ABM JANITORIAL NORTHEAST, INC.
- ☒ AMEC CONSTRUCTION MANAGEMENT, INC.
- ☒ AMEC EARTH & ENVIRONMENTAL, INC.
- ☒ ANTHONY CORTESE SPECIALIZED HAULING, LLC, INC.
- ☒ ATLANTIC HEYDT CORP
- ☒ BECHTEL ASSOCIATES PROFESSIONAL CORPORATION
- ☒ BECHTEL CONSTRUCTION, INC.
- ☒ BECHTEL CORPORATION
- ☒ BECHTEL ENVIRONMENTAL, INC.
- ☒ BERKEL & COMPANY, CONTRACTORS, INC.
- ☒ BIG APPLE WRECKING & CONSTRUCTION CORP
- ☐ BOVIS LEND LEASE, INC.
- ☒ BOVIS LEND LEASE LMB, INC.
- ☒ BREEZE CARTING CORP
- ☒ BREEZE NATIONAL, INC.
- ☒ BRER-FOUR TRANSPORTATION CORP.
- ☒ BURO HAPPOLD CONSULTING ENGINEERS, P.C.
- ☒ C.B. CONTRACTING CORP
- ☒ CANRON CONSTRUCTION CORP
- ☐ CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- ☒ CORD CONTRACTING CO., INC
- ☐ CRAIG TEST BORING COMPANY INC.
- ☒ DAKOTA DEMO-TECH
- ☒ DIAMOND POINT EXCAVATING CORP
- ☒ DIEGO CONSTRUCTION, INC.
- ☒ DIVERSIFIED CARTING, INC.
- ☒ DMT ENTERPRISE, INC.
- ☒ D'ONOFRIO GENERAL CONTRACTORS CORP
- ☒ EAGLE LEASING & INDUSTRIAL SUPPLY
- ☒ EAGLE ONE ROOFING CONTRACTORS INC.
- ☐ EAGLE SCAFFOLDING CO, INC.
- ☒ EJ DAVIES, INC.
- ☒ EN-TECH CORP
- ☐ ET ENVIRONMENTAL
- ☒ EVANS ENVIRONMENTAL

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- ☒ EVERGREEN RECYCLING OF CORONA
- ☒ EWELL W. FINLEY, P.C.
- ☒ EXECUTIVE MEDICAL SERVICES, P.C.
- ☐ F&G MECHANICAL, INC.
- ☒ FLEET TRUCKING, INC.
- ☒ FRANCIS A. LEE COMPANY, A CORPORATION
- ☒ FTI TRUCKING
- ☒ GILSANZ MURRAY STEFICEK, LLP
- ☒ GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC
- ☒ HALLEN WELDING SERVICE, INC.
- ☒ H.P. ENVIRONMENTAL
- ☒ HUDSON MERIDIAN CONSTRUCTION GROUP, LLC F/K/A MERIDIAN CONSTRUCTION CORP.
- ☒ KOCH SKANSKA INC.
- ☒ LAQUILA CONSTRUCTION INC
- ☒ LASTRADA GENERAL CONTRACTING CORP
- ☒ LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEER P.C.
- ☒ LIBERTY MUTUAL GROUP
- ☒ LOCKWOOD KESSLER & BARTLETT, INC.
- ☒ LUCIUS PITKIN, INC
- ☒ LZA TECH-DIV OF THORTON TOMASETTI
- ☒ MANAFORT BROTHERS, INC.
- ☒ MAZZOCCHI WRECKING, INC.
- ☒ MORETRENCH AMERICAN CORP.
- ☒ MRA ENGINEERING P.C.
- ☒ MUESER RUTLEDGE CONSULTING ENGINEERS
- ☒ NACIREMA INDUSTRIES INCORPORATED
- ☒ NEW YORK CRANE & EQUIPMENT CORP.
- ☒ NICHOLSON CONSTRUCTION COMPANY
- ☒ PETER SCALAMANDRE & SONS, INC.
- ☒ PHILLIPS AND JORDAN, INC.
- ☒ PINNACLE ENVIRONMENTAL CORP
- ☒ PLAZA CONSTRUCTION CORP.
- ☒ PRO SAFETY SERVICES, LLC
- ☒ PT & L CONTRACTING CORP
- ☐ REGIONAL SCAFFOLD & HOISTING CO, INC.
- ☒ ROBER SILMAN ASSOCIATES
- ☒ ROBERT L GEROSA, INC
- ☒ RODAR ENTERPRISES, INC.
- ☒ ROYAL GM INC.
- ☒ SAB TRUCKING INC.
- ☒ SAFEWAY ENVIRONMENTAL CORP
- ☒ SEASONS INDUSTRIAL CONTRACTING

- ☒ SEMCOR EQUIPMENT & MANUFACTURING CORP.
- ☒ SILVERITE CONTRACTING CORPORATION
- ☐ SILVERSTEIN PROPERTIES
- ☐ SILVERSTEIN PROPERTIES, INC.
- ☐ SILVERSTEIN WTC FACILITY MANAGER, LLC
- ☐ SILVERSTEIN WTC, LLC
- ☐ SILVERSTEIN WTC MANAGEMENT CO., LLC
- ☐ SILVERSTEIN WTC PROPERTIES, LLC
- ☐ SILVERSTEIN DEVELOPMENT CORP.
- ☐ SILVERSTEIN WTC PROPERTIES LLC
- ☒ SIMPSON GUMPERTZ & HEGER INC
- ☒ SKIDMORE OWINGS & MERRILL LLP
- ☒ SURVIVAIR
- ☒ TAYLOR RECYCLING FACILITY LLC
- ☒ TISHMAN INTERIORS CORPORATION,
- ☒ TISHMAN SPEYER PROPERTIES,
- ☒ TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN
- ☒ TISHMAN CONSTRUCTION CORPORATION OF NEW YORK
- ☒ THORNTON-TOMASETTI GROUP, INC.
- ☒ TORRETTA TRUCKING, INC
- ☒ TOTAL SAFETY CONSULTING, L.L.C
- ☒ TUCCI EQUIPMENT RENTAL CORP
- ☒ TULLY CONSTRUCTION CO., INC.
- ☐ TULLY ENVIRONMENTAL INC.
- ☐ TULLY INDUSTRIES, INC.
- ☐ TURNER CONSTRUCTION CO.
- ☒ TURNER CONSTRUCTION COMPANY
- ☒ ULTIMATE DEMOLITIONS/CS HAULING
- ☐ VERIZON NEW YORK INC,
- ☒ VOLLMER ASSOCIATES LLP
- ☐ W HARRIS & SONS INC
- ☒ WEEKS MARINE, INC.
- ☒ WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C.
- ☒ WHITNEY CONTRACTING INC.
- ☒ WOLKOW-BRAKER ROOFING CORP
- ☒ WORLD TRADE CENTER PROPERTIES, LLC
- ☒ WSP CANTOR SEINUK GROUP
- ☒ YANNUZZI & SONS INC
- ☒ YONKERS CONTRACTING COMPANY, INC.
- ☒ YORK HUNTER CONSTRUCTION, LLC
- ☒ ZIEGENFUSS DRILLING, INC.
- ☐ OTHER: \_\_\_\_\_

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☐ Non-WTC Site Building Owner

Name: \_\_\_\_\_

Business/Service Address: \_\_\_\_\_

Building/Worksite Address: \_\_\_\_\_

☐ Non-WTC Site Lessee

Name: \_\_\_\_\_

Business/Service Address: \_\_\_\_\_

Building/Worksite Address: \_\_\_\_\_

☐ Non-WTC Site Building Managing Agent

Name: \_\_\_\_\_

Business/Service Address: \_\_\_\_\_

Building/Worksite Address: \_\_\_\_\_

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## II. JURISDICTION

The Court's jurisdiction over the subject matter of this action is:

☒ Founded upon Federal Question Jurisdiction; specifically; ☒ Air Transport Safety & System Stabilization Act of 2001, (or); ☐ Federal Officers Jurisdiction, (or); ☐ Other (specify): \_\_\_\_\_; ☐ Contested, but the Court has already determined that it has removal jurisdiction over this action, pursuant to 28 U.S.C. § 1441.

## III CAUSES OF ACTION

Plaintiff(s) seeks damages against the above named defendants based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law:

<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240	<input checked="" type="checkbox"/>	Common Law Negligence, including allegations of Fraud and Misrepresentation
<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)		<input checked="" type="checkbox"/> Air Quality; <input checked="" type="checkbox"/> Effectiveness of Mask Provided; <input type="checkbox"/> Effectiveness of Other Safety Equipment Provided
<input type="checkbox"/>	Pursuant to New York General Municipal Law §205-a		(specify: _____); <input checked="" type="checkbox"/> Other(specify): <u>Not yet determined.</u>
<input checked="" type="checkbox"/>	Pursuant to New York General Municipal Law §205-e	<input type="checkbox"/>	Wrongful Death
		<input checked="" type="checkbox"/>	Loss of Services/Loss of Consortium for Derivative Plaintiff
		<input type="checkbox"/>	Other: _____

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**IV CAUSATION, INJURY AND DAMAGE**

1. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

<input type="checkbox"/>	Cancer Injury: <u>N/A.</u> Date of onset: _____ Date physician first connected this injury to WTC work: _____	<input checked="" type="checkbox"/>	Cardiovascular Injury: <u>Cardiac Problems</u> Date of onset: <u>To be supplied at a later date</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>
<input type="checkbox"/>	Respiratory Injury: <u>N/A.</u> Date of onset: _____ Date physician first connected this injury to WTC work: _____	<input checked="" type="checkbox"/>	Fear of Cancer Date of onset: <u>10/7/2005</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>
<input checked="" type="checkbox"/>	Digestive Injury: <u>Colitis; Crohn's Disease; Heartburn</u> Date of onset: <u>10/7/2005</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>	<input checked="" type="checkbox"/>	Other Injury: <u>N/A.</u> Date of onset: _____ Date physician first connected this injury to WTC work: _____

*NOTE: The foregoing is NOT an exhaustive list of injuries that may be alleged.*

2. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

- 
- 
- ☒ Pain and suffering
- ☒ Loss of the enjoyment of life
- ☒ Loss of earnings and/or impairment of earning capacity
- ☒ Loss of retirement benefits/diminution of retirement benefits
- ☒ Expenses for medical care, treatment, and rehabilitation
- ☒ Other:
- ☒ Mental anguish
  - ☒ Disability
  - ☒ Medical monitoring
  - ☒ Other: Not yet determined.

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3. ☒ As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

**WHEREFORE**, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

**Plaintiff(s) demands that all issues of fact in this case be tried before a properly empanelled jury.**

Dated: New York, New York  
June 6, 2008

Yours, etc.,

**Worby, Groner Edelman & Napoli Bern, LLP**  
Attorneys for Plaintiff(s), Carlos Cortes and Lucy Cortes

By: 

Christopher R. LoPalo (CL 6466)  
115 Broadway  
12<sup>th</sup> Floor  
New York, New York 10006  
Phone: (212) 267-3700





ATTORNEY VERIFICATION

CHRISTOPHER R. LOPALO, an attorney at law, duly admitted to practice in the Courts of the State of New York, affirms under the penalties of perjury that:

He is the attorney for the plaintiff(s) in the above-entitled action. That he has read the foregoing SUMMONS AND VERIFIED COMPLAINT and knows the contents thereof, and upon information and belief, deponent believes the matters alleged therein to be true.

The reason this Verification is made by deponent and not by the plaintiff(s) is that the plaintiff(s) herein reside(s) in a county other than the one in which the plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds of his belief are communication, papers, reports and investigation contained in the file.

DATED: New York, New York  
June 6, 2008



CHRISTOPHER R. LOPALO



Docket No:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARLOS CORTES (AND WIFE, LUCY CORTES),

Plaintiff(s)

- against -

A RUSSO WRECKING, ET. AL.,

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

WORBY GRONER EDELMAN & NAPOLI BERN, LLP

*Attorneys for:* Plaintiff(s)

*Office and Post Office Address, Telephone*

115 Broadway - 12th Floor

New York, New York 10006

(212) 267-3700

To  
Attorney(s) for

Service of a copy of the within  
is hereby admitted.

Dated,

Attorney(s) for

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of an  
duly entered in the office of the clerk of the within named court on 20

☐ NOTICE OF SETTLEMENT

that an order \_\_\_\_\_ of which the within is a true copy  
will be presented for settlement to the HON. \_\_\_\_\_ one of the

judges of the

within named Court, at

on 20 at \_\_\_\_\_ M.

Dated,

Yours, etc.,

WORBY GRONER EDELMAN & NAPOLI BERN, LLP

